

Appl. No. 10/799,800  
Amendment and/or Response  
Reply to Office action of 1 May 2006

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### REMARKS / DISCUSSION OF ISSUES

Claims 21-30 are pending in the application. Claims 11-20 are canceled herein.

The Office action rejects claims 21, 23-24, and 27-28 under 35 U.S.C. 102(b) over Moseley et al. (USP 6,046,849, hereinafter Moseley). The applicants respectfully traverse this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 21, upon which claims 22-30 depend, claims a transfective display. Moseley does not teach a transfective display.

As is known in the art, and as defined in the applicants' specification a transfective display is operable in both a reflective mode and in a transmissive mode (applicants' page 1, lines 20-25). Moseley's display is configured to operate in the transmissive mode, and Moseley specifically teaches that the patterned layer should include an anti-reflective coating, at column 10, lines 10-13.

In the interest of advancing prosecution in this case, claim 21 is amended herein to include the known characteristics of transfective displays. The applicants submit that this inclusion adds no new matter and does not affect the intended scope of the claims.

Moseley does not teach a transfective display that includes reflective and transmissive portions of each pixel, as specifically claimed in claim 21. Therefore, the applicants respectfully maintain that the rejection of claims 21, 23-24, and 27-28 under 35 U.S.C. 102(b) over Moseley is unfounded, per MPEP 2131.

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The Office action rejects claims 21, 23-24, and 27-28 under 35 U.S.C. 102(b) over May (USP 5,548,427). The applicants respectfully traverse this rejection.

Claim 21, upon which claims 22-30 depend, claims a transfective display. May does not teach a transfective display.

May teaches a transmissive holographic display device.

May does not teach a transfective display that includes reflective and transmissive portions of each pixel, as specifically claimed in claim 21. Therefore, the applicants respectfully maintain that the rejection of claims 21, 23-24, and 27-28 under 35 U.S.C. 102(b) over May is unfounded, per MPEP 2131.

The Office action rejects claims 21-24 under 35 U.S.C. 102(b) over lino (USPA 2002/0001994). The applicants respectfully traverse this rejection.

Claim 21, upon which claims 22-30 depend, claims a transfective display device that includes a patterned optical layer that includes a pattern of pairs of first area segments and second area segments, wherein the optical retardation in the second segments is substantially less than the optical retardation in the first segments.

lino teaches a transfective display device, but does not teach a patterned optical layer that includes a pattern of pairs of segments with different optical retardations.

The Office action fails to identify an optical layer in lino that includes a pattern of pairs of segments with different optical retardations; instead, the Office action identifies two different layers in lino, layers 141 and 142, which are separated from each other by a light shielding layer 143. As noted above, MPEP 2131 specifically states that the **identical** invention must be shown to support a rejection under 35 U.S.C. 102, and the applicants respectfully maintain that two layers of optical material separated by a light shield cannot be said to be identical to a patterned optical layer, as specifically taught and claimed by the applicants.

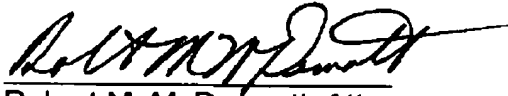
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Because lino fails to teach a patterned optical layer that includes a pattern of pairs of segments with different optical retardations, the applicants respectfully maintain that the rejection of claims 21-24 under 35 U.S.C. 102(b) over lino is unfounded, per MPEP 2131.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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